

REMARKS

Applicant has recently been able to obtain 1.131 declarations from the inventors showing that the present invention predates the cited Hazam et al. reference. In view of this declaration, Applicant has supplemented the Amendment submitted October 25, 2004 as follows.

I. Amendments to the Claims

In the Office Action dated April 23, 2004, the Examiner rejected claims 1-13 and 16 as obvious over a combination of Hazam et al. and other references. Because former claims 1-13 were canceled and claim 16 was amended in the Amendment submitted October 25, 2004, Applicant has now re-introduced these same claims as new claims 20-26 (corresponding to former claims 1-7), 27-32 (corresponding to former claims 8-13) and claim 33 (corresponding to former claim 16 prior to the October 25 Amendment).

II. Rejections Under 35 U.S.C § 103(a)

In the Office Action dated April 23, 2004, the Examiner rejected claims 1-13 and 16-19. All of these claims were rejected using a combination of Hazam et al. and various other references. Hazam et al., although printed out in 2003, includes the date of August 1999 on the first page and thus allegedly may have a publication date as early as August 1999. Using this earliest possible publication date, the Hazam et al. reference published approximately 2 months prior to the application filing date of the present application and qualifies as 102(a)-type art.

Accordingly, Applicant can disqualify Hazam et al. by a showing of conception prior to the August 1999 date coupled with diligence from immediately prior to the August 1999 date through to the October 12, 1999 filing date.

III. Submission of Declaration under 37 C.F.R. §1.131

Applicants provide with this response a Declaration under 37 C.F.R. §1.131 establishing that the claimed subject matter was conceived of prior to the apparent August 1999 date of the Hazam et al. and showing diligence through to the filing date of the present application on October 12, 1999. Accordingly,

Applicants respectfully submit that claims 20-33 (corresponding to previous claims 1-13 and previous unamended claim 16, respectively) are allowable over the Hazam et al. reference. In addition, Applicant submits that claims 16, and 18-19 remain allowable as set forth in the discussion provided in the Amendment submitted October 25, 2004.

IV. Consideration of an Information Disclosure Statement Previously Submitted on June 9, 2003 (Third Supplemental IDS enclosing references D1-D8)

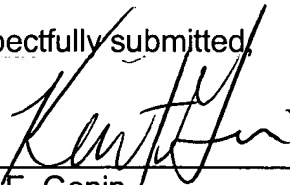
Applicant notes that a signed-off PTO-1449 has not been received for the above-identified IDS. A copy of this previously submitted IDS and the return receipt postcard is enclosed. Applicant respectfully requests that the Examiner review the identified references and execute the attached PTO 1449 form. As the IDS was timely filed under 37 C.F.R. § 1.97(d), Applicant submits that no additional fees are due. If the Examiner raises any new rejections to the claims based on the listed references, a new non-final Office action is respectfully requested. Duplicate copies of the references (all US patents or published US applications) have been omitted as copies should already be with the file or are readily accessible. Applicant can immediately supply additional copies of the references if that would be of assistance.

V. Conclusion

With the above amendments and remarks, Applicant submits that claims 16 18-19 and 20-33 are in condition for allowance. A Notice of Allowance is respectfully requested. If any questions arise or issues remain, the Examiner is invited to contact the undersigned at the number listed below in order to expedite disposition of this application.

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Respectfully submitted,



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